

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

STEVEN EARL BONDS, #24226-009

PLAINTIFF

V.

CIVIL ACTION NO. 3:17-CV-109-DPJ-FKB

DR. UNKNOWN NATAL, ET AL.

DEFENDANTS

ORDER

This *Bivens* action is before the Court on Defendants' Motion to Dismiss [26] and the Report and Recommendation ("R&R") of United States Magistrate Judge F. Keith Ball [29]. Judge Ball concluded that Plaintiff Steven Earl Bonds failed to exhaust his administrative remedies; he therefore recommended dismissal without prejudice. Upon review of the record, the Court agrees with Judge Ball's conclusions.

The Court mailed a copy of the R&R to Bonds at the address listed on the docket sheet, and on January 25, 2018, the mail was returned to the Court as undeliverable. Mail Returned [30]. The envelope indicates that Bonds was released from the Federal Correctional Complex in Yazoo City, Mississippi. *Id.*; *see also* R&R [29] at 1 n.2 ("According to the website of the Bureau of Prisons, Bonds was released on January 9, 2018.").

On February 21, 2017, the Court first notified Bonds that "failure to advise this court of a change of address will be deemed as a purposeful delay and contumacious act by the plaintiff and may result in this case being dismissed *sua sponte*, without prejudice, without further written notice." Order [3] at 3. Four similar admonishments followed. *See* Mar. 17, 2017 Order [5] at 3; Mar. 20, 2017 Order [6] at 3; Mar. 20, 2017 Order [8] at 1; June 20, 2017 Order [23] at 2. Despite these warnings, Bonds obviously did not notify the Court when his address changed, and this failure alone could justify dismissal of his case. Nevertheless, the Court has considered the

merits of Bonds's lawsuit and concludes that dismissal without prejudice for failure to exhaust is warranted.

For the foregoing reasons, the R&R [29] is adopted as the opinion of the Court.

Defendants' Motion to Dismiss [26] is granted, and this case is dismissed without prejudice. A separate judgment will be entered in accordance with Federal Rule of Civil Procedure 58.

SO ORDERED AND ADJUDGED this the 31st day of January, 2018.

s/ Daniel P. Jordan III
CHIEF UNITED STATES DISTRICT JUDGE